

ORDINANCE NO. 95-13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS: AMENDING SECTION 6.8.A. (PLANNED DEVELOPMENT DISTRICT REGULATIONS, GENERAL); SECTION 6.8.B. (PLANNED DEVELOPMENT DISTRICT REGULATIONS, PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting and enforcing zoning and administrative regulations necessary for the protection of the public; and

WHEREAS, the Unified Land Development Code was adopted pursuant to Chapter 163.3202 (Land Development Regulations) of the Florida Statutes to further growth management requirements; and

WHEREAS, the Board of County Commissioners mandated that staff conduct periodic reviews of the Unified Land Development Code to evaluate the Code and make proposals on outstanding and new issues; and

WHEREAS, the Board of County Commissioners directed staff, to prepare amendments the Unified Land Development Code to provide the Board the ability to provide efficient use of the land and public resources by permitting flexibility calculating land use percentages when public civic and private civic uses are proposed for development to serve and benefit the residents of Palm Beach County; and

WHEREAS, the Board of County Commissioners determines that the amendment will allow efficient use of the land and public resources and provide benefit to the public; and

WHEREAS, the Board of County Commissioners determines that the amendments further the purpose and intent of the Planned Unit Development regulations; and

WHEREAS, the Board of County Commissioners determines that the amendment will improve the procedures and standards of the Unified Land Development Code; and

WHEREAS, the Board of County Commissioners, sitting as the Land Development Regulation Commission, finds this amendment is consistent with the adopted Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, THAT:

PART 1. Sections of the Unified Land Development Code are amended as follows:

Subpart 1. Section 6.8.A.1, Planned Development District Regulations, General, Purpose and Intent is amended to delete and add language as follows:

.....

- e. Provide for an efficient use of land and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical networks of utilities and streets, thereby lowering development costs;
- j. Ensure a more rational and compatible relationship between residential and ~~commercial~~ non-residential uses for the mutual benefit of all;
- m. ~~Encourage~~ Provide for innovations in land development, encouraging efficient and cost effective land use, especially for affordable housing and in-fill development and civic uses.

Subpart 2. Section 6.8.A.15.b.(10), Planned Development District Regulations, Action by Development Review Committee (DRC), Modifications to a Preliminary Development Plan, Master Plan or Site Plan is amended to add language as follows:

.....

(10) **Redesignation of land use mix percentages.** No decrease in the minimum residential land use percentage shall be permitted when public or private civic site acreage has been deducted from the gross acreage in accordance with Sec. 6.8.B.4.(A).(4).b. of this Code, unless approved by the Board of County Commissioners. The Development Review Committee may approve an increase in the residential land use percentage in accordance with the standards of this subsection.

Subpart 3. Section 6.8.A.21.b and c., Planned Development District Regulations, Unified Control is amended to delete and add language as follows:

.....

- b. **County Attorney approval.** Agreements, covenants, contracts, deed restrictions, ~~unities~~ or sureties shall be provided that are acceptable to the subject to approval by the County Attorney for development and completion of the development undertaking in accordance with the adopted Planned Development order as well as for the continuing operation and maintenance of such areas, functions and facilities which are not to be provided, operated or maintained at general public expense. The Unity of Control shall be approved and recorded prior to final certification of the Preliminary Development Plan by the Development Review Committee.
- c. Public civic uses shall not be subject to regulating documents for the remaining planned development areas as required in Section 6.8.A.21.b above, unless set forth in the development order approved by the Board of County Commissioners.

ed. Successive owners.

Subpart 4. Section 6.8.A.22., Table 6.8.-2., Planned Development District Regulations, Use regulations, Residential uses and Recreational uses is amended to add Type 3 Congregate Living Facilities as a requested use in a residential pod in a PUD and Passive Parks and Public Parks as a general use in a Civic pod in a PUD, as follows:

**TABLE 6.8-2
PLANNED DEVELOPMENT DISTRICT
USE REGULATIONS SCHEDULE**

Use Type	Planned Development Zoning District																				NOTE						
	PUD				TND				MXPD				MUPD				PIPD					MHPD	RVPD	SWPD			
	Use Zone				Use Zone				Land Use Category				Land Use Category				Use Zone										
	R	R	C	C	R	C	S	W	S	C	C	C	C	R	C	C	C	C	I	I					C	I	
	E	E	I	O	E	I	H	O	E	L	L	H	H	R	L	L	H	H	R	N					N	O	N
	S	/	M	S	V	P	P	T	O					O					D	D	**	G					
Residential uses																											
Single-family		G			G																					88	
Zero Lot Line		G			G					G	G	G	G														103
Multi-family		G			G		G	G	G	G	G	G	G														65
Mobile home dwelling																							G				62
Townhouse		G			G					G	G	G	G														95
Accessory apartment		S			G																						1
Congregate living facility, Type 1		G			G																						24
Congregate living facility, Type 2		R	S			S					S		S							S							24
Congregate living facility, Type 3		R	R	R		R			R	R	R	R	R		R	R	R	R									24
Farm residence																											36
Farm tenant quarters																											37
Garage sale		G			G					G	G	G	G										G				44
Home occupation		G			G					G	G	G	G										G				50
Migrant farm labor quarters																											61

Key to Use Regulations Schedule Land Use Abbreviations:

IND/G = General Industrial
CH = Commercial High
CHO = Commercial High Office
CIV/P = Privately Owned Civic
IND/L = Light Industrial

CL = Commercial Low
CLO = Commercial Low Office
COM = Commercial
CR = Commercial Recreation

IND = Industrial
REC = Recreation
RES = Residential

RR = Rural Residential 10
SECT = Sector
SHOP = Shopfront
WORK = Workplace

Key to Use Regulations Schedule:

G = General Land Use

S = Special Land Use

R = Requested Land Use

Highlighted language (e.g., ~~the~~) indicates proposed new language.
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Use Type	Planned Development Zoning District																							NOTE			
	PUD				TND				MXPD				MUPD				PIPD			MHPD	RVPD	SWPD					
	Use Zone				Use Zone				Land Use Category				Land Use Category				Use Zone										
	REC	RES	CIV / P	COM	RES	CIV / P	SHOP	WORK	SECT	LO	CL	CHO	CH	RL	CL	CHO	CH	CR	IND				IND / L		COMM**	IND / G	
Recycling bin	S		S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		G	75	
Recycling plant									R										G	G	G	G			G	76	
Sanitary landfill																									R	84	
Solid waste transfer station														R			R	R	R	R	G	R	G			R	89
Utility, minor		G	G	G		G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	96
Water or wastewater plant			R						R			R	R	R			R	R	R	R	G		G	R	R	G	101
Recreational uses																											
Amusements, temporary or Special event	S		S	S			S	S	S		S		S	S	S	S	S	S	S	S	S					10	
Arena, auditorium or stadium				R					R				R				R	R			R					11	
Campground																			G							17	
Camping, cabin																								G		17.1	
Entertainment, indoor				R			R		R		R		R		R		R	G			G					32	
Entertainment, outdoor				R					R		R		R		R		R	G			G					33	
Fitness center	G		R	R			R		G		R	G	G		R	G	G	G			G					39	
Golf course	R									R	R	R	R		R	R	R	R	R	R	G		G			45	
Gun club, enclosed									R									R	R	R	G	R	G			48	
Gun club, open																			R							49	
Gun range, private																					G	R	G				
Marine facility	R			R					G			R	R				R	R	R			G				59	
Park, passive	G	G	G	G	G		G	G	G	G	G	G	G		G	G	G	G	G		G	G	G	G	G	69	
Park, public	G		G							R	R	G	G			R		G	G	G		G		R	R	70	
Zoo																		R	R							104	

IND/G = General Industrial
CH = Commercial High
CHO = Commercial High Office
CIV/P = Privately Owned Civic
IND/L = Light Industrial

CL = Commercial Low
CLO = Commercial Low Office
COM = Commercial
CR = Commercial Recreation

IND = Industrial
REC = Recreation
RES = Residential

RR = Rural Residential 10
SECT = Sector
SHOP = Shopfront
WORK = Workplace

Key to Use Regulations Schedule:

G = General Land Use

S = Special Land Use

R = Requested Land

Highlighted language (e.g., the) indicates proposed new language.
Language crossed out (e.g., the) indicates language proposed to be deleted.

and expenditures by allowing joint acquisition, development and operation of facilities to serve residents of the PUD and Palm Beach County.

(b) ~~Commercial pod.~~ PUDs have the option of providing limited commercial service, retail and professional office uses for the PUD's population, if these uses are supportable by Sec. 6.8.B.4.e, Land use justification report.

(eb) Pods. Land use mix percentages. The applicant shall provide a mix of land uses by designating the components of the entire land area pods of a PUD as either a residential, commercial, civic (private), civic (public), or recreation pod, or a perimeter landscape area on the Preliminary Development Plan. The percentages in Table 6.8 - 4 indicate the ranges of each pod allowed within a PUD.

(c) Other land use designations. The acreage for open space tracts, water management tracts, rights-of-way and perimeter landscape areas shall be provided on the preliminary development plan.

(d) Land use percentage calculations. General land use percentages (Residential, Civic, Commercial and Recreation) shall be calculated based on the gross area of the PUD, except as provided in Sec. 6.8.B.4.a.(4). (e) below. Recreation uses, lakes and local roads which are internal to a residential pod rather than a separate pod or tract may be credited toward the minimum sixty (60%) residential land area requirement as identified in table 6.8.-4.

Table 6.8 - 4
PUD MIX OF GENERAL LAND USES

<u>General pods</u>	<u>Minimum</u>	<u>Maximum</u>
1. Residential	60%	--
2. Civic	2%	
3. Commercial	0	per capita based on population
4. Recreation	110 s.f. area/person See Sec. 6.8-B.6.a.(1)	--

NOTES:

~~General land use percentages (Residential, Civic, Commercial and Recreation) shall be calculated based on the gross area of the PUD. Recreation uses which are internal to a residential pod rather than a separate recreational pod may be credited toward the minimum land area requirement of sixty (60%) percent for residential pods.~~

1 (e) Special Provisions for the designation of
2 Civic Pods which uses benefit the public.

3 The Board of County Commissioners may
4 permit the land area allocated to public civic
5 uses or private civic uses to be deleted from
6 the gross acreage of the PUD when
7 determining the residential land use
8 percentage. Such reduction may occur if an
9 explicit public benefit is demonstrated
10 meeting the criteria in this subsection.

11 The applicant may include with a submittal
12 of a rezoning application a request to
13 exclude the public civic or private civic
14 acreage from the gross acreage of the PUD.
15 The justification statement, required in
16 accordance with Sec. 6.8.B.4.c shall clearly
17 demonstrate an explicit public benefit and
18 meet the criteria herein.

19 Prior to certification of an application, the
20 Zoning Director may obtain confirmation
21 from the Board of County Commissioners
22 that the justification and proposed mix of
23 land uses meets the applicable criteria. The
24 Board of County Commissioners shall make
25 a finding of fact supported by substantial
26 competent evidence that the criteria has been
27 satisfied.

28 (1) Evaluation Criteria. Public civic
29 sites shall meet criteria a-f below.
30 Private civic sites shall meet criteria
31 b-g below.

32 (a) There is a reduced cost to the
33 public for site acquisition,
34 development or operation of
35 civic uses;

36 (b) Public civic or private civic
37 uses required to provide
38 services to meet recreational,
39 fire rescue or mass transit
40 concurrency requirements in
41 accordance with Chapter
42 163, Florida Statutes or
43 accommodate impacts of
44 development on educational
45 facilities such as schools, or
46 regional libraries;

47 (c) The proposed civic use shall
48 fulfill a direct service and
49 immediate need, as projected
50 in the County's capital
51 improvement element or, if
52 applicable, further the

County's goal to provide adequate primary and secondary education facilities.

(d) Land uses within the PUD shall be located and designed to be compatible with surrounding land uses both internal and external to the PUD.

(e) The resulting mix of land uses further the goals to integrate and share facilities, thereby encouraging efficient use of land and reduction in use of public funding sources;

(f) The residents of the PUD can directly benefit from the location and layout of the civic use and the civic use satisfies the design criteria in Sec. 6.8.A. and 6.8.B.

(g) Private civic uses which provide education in accordance with Chapter 623, Florida Statutes.

(2) Maximum Civic Land Area Percentage. The maximum percentage of civic pods to gross area of the PUD shall not exceed sixty-five percent (65%).

(3) Density calculations. Density for the PUD may be calculated on the gross acreage of the PUD in accordance with 6.8.A.3.a.1. of this code.

(f) Commercial pod. PUDs have the option of providing limited commercial service, retail and professional office uses for the PUD's population, if these uses are supported in Land use justification report as provided in Sec. 6.8.B.4.c.

Subpart 7. Section 6.8.B.4.b. PUD, Residential Planned Unit Development District Regulations, Application, Preliminary Development Plan, Regulating plan is amended to add and delete language as follows:

.....

b. Regulating plan. All initial Planned Development District

Highlighted language (e.g., ~~the~~) indicates proposed new language.
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

rezoning and certain amendments to PUD Districts shall provide a Regulating plan in accordance with Sec. 6.8.A.8.f, Regulating Plan, including but not limited to the following:

(1) Calculations of the land use mix in accordance with Sec. 6.8.B.4.a.(4) of this Code.

(12) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 6, Property Development Regulations.

(23) Transportation program; and,

(34) Street and pathway cross-sections- and,

See Sec. 6.8-A.8.e, Regulating plan, for the specific requirements for flexible regulations, transportation programs and street and pathway cross-sections.

Subpart 8. Section 6.8.B.4.c. PUD, Residential Planned Unit Development District Regulations, Application, Preliminary Development Plan, Land Use justification report is amended to add and delete language as follows:

.....
c. **Land use justification report.** A land use justification report shall be provided to justify and explain the mix amount of commercial, and recreational, public and private civic land uses proposed and describe the methods used to calculate this percentage, including the raw data used (the assumptions made for proposed population counts), the analysis procedures and the resulting land acreage and building square footages. The justification report shall also address the amount, if any, of affordable housing proposed and the following:

.....
Subpart 9. Section 6.8.B.6.a.(2).(b)., PUD, Residential Planned Unit Development District Regulations, Land Uses, Pods, Civic pod, privately owned civic uses is amended to add language as follows:

.....
(b) **Privately owned civic uses.** Private Civic lots shall consist of land uses which: provide services to the PUD residents or fulfill recreational or educational needs for the residents of Palm Beach County; are customarily privately owned and operated; or are customarily allowed in residential zoning districts, such as but not limited to, private schools or libraries, day care centers, churches, temples, and property owner association meeting areas and resident storage areas for boats, buses, recreational vehicles, etc., see Table 6.8-2, Planned Development Use Regulations Schedule.

Part 2. CAPTIONS

The captions, sections headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the

Highlighted language (e.g., the) indicates proposed new language.
Language crossed out (e.g., the) indicates language proposed to be deleted.

interpretation of the provisions of this ordinance.

Part 3. REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this ordinance are hereby repealed.

Part 4. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

Part 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provision of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the work "ordinance" may be changed to "section," "article," or any other appropriate word.

Part 6. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the _____ day of APR 18 1995 19____.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By [Signature] Chairman By [Signature] DOROTHY H. WILKEN, CLERK
Board of County Commissioners

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY



Acknowledgement by this Department of State of the State of Florida, on this, the 27th
day of April, 1995.

Acknowledgment from the Department of State received on the 1st day of May
1995, at 2:28PM, and filed in the Office of the Clerk of the Board of County
Commissioners of Palm Beach County, Florida.

A:\v\m\l\l\l

Highlighted language (e.g., the) indicates proposed new language.
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.